



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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Paper No. 18

In re application of: :  
Hubertus Spaepen :  
Serial No.: 09/248,392 : DECISION ON  
Filed: February 12, 1999 : PETITION  
For: PRODUCTION OF PRODUCTS CONTAINING :  
PRECIPITATED CALCIUM CARBONATE :

This is a decision on the PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 CFR 1.181, filed January 18, 2002. The petition requests that the abandonment, as set forth in the Notice of Abandonment of January 10, 2002, for failure to timely file a response to the Notice to File Missing Parts of Application mailed June 21, 2001. Applicants assert that they timely filed a response on January 18, 2002, along with a five month extension of time. The two month time period set in the Notice and the five month extension of time would indicate that the expiration of the extended period for response would be January 22, 2002, with January 21 being a Federal Holiday.

**DECISION**

Since petitioner asserts that they timely filed a response to the Notice, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence is sufficient to establish that applicants did indeed timely file a response to the Notice before the end of the extended period for response.

Therefore, the Notice of Abandonment is hereby withdrawn. Hence, the case is returned to pending status. The application shall be forwarded to the Technical Support Staff for entry of the response and attached amendment before being forwarded to the examiner for examination on the merits of the case.

The Petition is **GRANTED**.



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